

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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**SILVON S. SIMMONS,**

*Plaintiff,*

-VS-

**JOSEPH M. FERRIGNO, II, SAMUEL  
GIANCURSIO, MARK WIATER, CHRISTOPHER  
MUSCATO, ROBERT WETZEL, MICHAEL L.  
CIMINELLI, JOHN DOES 1-20, CITY OF  
ROCHESTER, SHOTSPOTTER, INC., SST, INC.,  
JOHN DOES 21-30, and PAUL C. GREENE,**

*Defendants.*

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**ANSWER OF DEFENDANTS  
SHOTSPOTTER, INC., SST, INC.  
AND PAUL C. GREENE**

Civil Action No. 6:17-cv-6176-MAT

Defendants, ShotSpotter, Inc., SST, Inc. and Paul C. Greene (the “ShotSpotter Defendants”), by their attorneys, Barclay Damon LLP, as and for their Answer to the Amended Complaint of Plaintiff, allege as follows:

**INTRODUCTION**

1. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Complaint and on that basis deny them.

**JURISDICTION**

2. The allegations contained in Paragraph 2 are legal conclusions to which no response is required. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Complaint and on that basis deny them.

3. The ShotSpotter Defendants lack knowledge or information sufficient to form a

belief as to the truth of the allegations contained in Paragraph 3 of the Complaint and on that basis deny them.

4. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Complaint and on that basis deny them.

5. The allegations contained in Paragraph 5 are legal conclusions to which no response is required. To the extent a response is required, ShotSpotter Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of the Complaint and on that basis deny them.

6. The ShotSpotter Defendants deny the allegations contained in Paragraph 6 of the Complaint.

7. The ShotSpotter Defendants deny the allegations contained in Paragraph 7 of the Complaint.

8. The ShotSpotter Defendants deny the allegations contained in Paragraph 8 of the Complaint.

9. The ShotSpotter Defendants deny the allegations contained in Paragraph 9 of the Complaint.

10. The allegations contained in Paragraph 10 are legal conclusions to which no response is required. To the extent a response is required, ShotSpotter Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of the Complaint and on that basis deny them.

11. The ShotSpotter Defendants admit the allegations contained in Paragraph 10 of the Complaint.

**VENUE**

12. The allegations contained in Paragraph 12 are legal conclusions to which no response is required. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of the Complaint and on that basis deny them.

**PARTIES**

13. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of the Complaint and on that basis deny them.

14. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of the Complaint and on that basis deny them.

15. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15 of the Complaint and on that basis deny them.

16. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of the Complaint and on that basis deny them.

17. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17 of the Complaint and on that basis deny them.

18. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 18 of the Complaint and on that

basis deny them.

19. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 of the Complaint and on that basis deny them.

20. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20 of the Complaint and on that basis deny them.

21. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 21 of the Complaint and on that basis deny them.

22. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 22 of the Complaint and on that basis deny them.

23. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23 of the Complaint and on that basis deny them.

24. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 24 of the Complaint and on that basis deny them.

25. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25 of the Complaint and on that basis deny them.

26. The ShotSpotter Defendants lack knowledge or information sufficient to form a

belief as to the truth of the allegations contained in Paragraph 26 of the Complaint and on that basis deny them.

27. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 27 of the Complaint and on that basis deny them.

28. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 28 of the Complaint and on that basis deny them.

29. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 29 of the Complaint and on that basis deny them.

30. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 30 of the Complaint and on that basis deny them.

31. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 31 of the Complaint and on that basis deny them.

32. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 32 of the Complaint and on that basis deny them.

33. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 33 of the Complaint and on that basis deny them.

34. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 34 of the Complaint and on that basis deny them.

35. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 35 of the Complaint and on that basis deny them.

36. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 36 of the Complaint and on that basis deny them.

37. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 37 of the Complaint and on that basis deny them.

38. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 38 of the Complaint and on that basis deny them.

39. The ShotSpotter Defendants admit the allegations contained in Paragraph 39 of the Complaint.

40. The ShotSpotter Defendants admit the allegations contained in Paragraph 40 of the Complaint.

41. The ShotSpotter Defendants admit the allegations contained in Paragraph 41 of the Complaint.

42. SST, Inc. is a d/b/a of ShotSpotter, Inc. Except as specifically admitted, the ShotSpotter Defendants deny the allegations contained in Paragraph 42 of the Complaint.

43. SST, Inc. is a d/b/a of ShotSpotter, Inc. Except as specifically admitted, the ShotSpotter Defendants deny the allegations contained in Paragraph 43 of the Complaint.

44. SST, Inc. is a d/b/a of ShotSpotter, Inc. Except as specifically admitted, the ShotSpotter Defendants deny the allegations contained in Paragraph 44 of the Complaint.

45. The ShotSpotter Defendants admit the allegations contained in Paragraph 45 of the Complaint.

46. SST, Inc. is a d/b/a of ShotSpotter, Inc. Except as specifically admitted, the ShotSpotter Defendants deny the allegations contained in Paragraph 46 of the Complaint.

47. The ShotSpotter Defendants admit the allegations contained in Paragraph 47 of the Complaint.

48. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 48 of the Complaint and on that basis deny them.

49. The ShotSpotter Defendants deny the allegations contained in Paragraph 49 of the Complaint.

50. The ShotSpotter Defendants admit the allegations contained in Paragraph 50 of the Complaint.

51. The ShotSpotter Defendants admit the allegations contained in Paragraph 51 of the Complaint.

52. The ShotSpotter Defendants admit Defendant Greene testified at Plaintiff's criminal trial. Except as specifically admitted, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 52 of the Complaint and on that basis deny them.

53. The ShotSpotter Defendants deny the allegations contained in Paragraph 53 of the Complaint.

54. The allegations contained in Paragraph 54 are legal conclusions to which no response is required. To the extent a response is required, the ShotSpotter Defendants deny the allegations contained in Paragraph 54 of the Complaint.

55. The allegations contained in Paragraph 55 are legal conclusions to which no response is required. To the extent a response is required, the ShotSpotter Defendants deny the allegations contained in Paragraph 55 of the Complaint.

### **FACTS**

#### **The Pursuit of Plaintiff**

56. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 56 of the Complaint and on that basis deny them.

57. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 57 of the Complaint and on that basis deny them.

58. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 58 of the Complaint and on that basis deny them.

59. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 59 of the Complaint and on that basis deny them.

60. The ShotSpotter Defendants lack knowledge or information sufficient to form a



belief as to the truth of the allegations contained in Paragraph 60 of the Complaint and on that basis deny them.

61. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 61 of the Complaint and on that basis deny them.

62. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 62 of the Complaint and on that basis deny them.

63. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 63 of the Complaint and on that basis deny them.

64. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 64 of the Complaint and on that basis deny them.

65. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 65 of the Complaint and on that basis deny them.

66. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 66 of the Complaint and on that basis deny them.

67. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 67 of the Complaint and on that basis deny them.

68. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 68 of the Complaint and on that basis deny them.

69. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 69 of the Complaint and on that basis deny them.

70. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 70 of the Complaint and on that basis deny them.

71. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 71 of the Complaint and on that basis deny them.

72. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 72 of the Complaint and on that basis deny them.

73. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 73 of the Complaint and on that basis deny them.

74. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 74 of the Complaint and on that basis deny them.

75. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 75 of the Complaint and on that

basis deny them.

76. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 76 of the Complaint and on that basis deny them.

77. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 77 of the Complaint and on that basis deny them.

78. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 78 of the Complaint and on that basis deny them.

79. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 79 of the Complaint and on that basis deny them.

80. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 80 of the Complaint and on that basis deny them.

81. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 81 of the Complaint and on that basis deny them.

82. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 82 of the Complaint and on that basis deny them.

83. The ShotSpotter Defendants lack knowledge or information sufficient to form a

belief as to the truth of the allegations contained in Paragraph 83 of the Complaint and on that basis deny them.

84. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 84 of the Complaint and on that basis deny them.

85. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 85 of the Complaint and on that basis deny them.

**Defendant Ferrigno Shoots Plaintiff**

86. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 86 of the Complaint and on that basis deny them.

87. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 87 of the Complaint and on that basis deny them.

88. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 88 of the Complaint and on that basis deny them.

89. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 89 of the Complaint and on that basis deny them.

90. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 90 of the Complaint and on that

basis deny them.

91. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 91 of the Complaint and on that basis deny them.

92. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 92 of the Complaint and on that basis deny them.

93. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 93 of the Complaint and on that basis deny them.

94. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 94 of the Complaint and on that basis deny them.

95. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 95 of the Complaint and on that basis deny them.

96. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 96 of the Complaint and on that basis deny them.

97. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 97 of the Complaint and on that basis deny them.

98. The ShotSpotter Defendants lack knowledge or information sufficient to form a

belief as to the truth of the allegations contained in Paragraph 98 of the Complaint and on that basis deny them.

99. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 99 of the Complaint and on that basis deny them.

100. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 100 of the Complaint and on that basis deny them.

101. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 101 of the Complaint and on that basis deny them.

102. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 102 of the Complaint and on that basis deny them.

103. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 103 of the Complaint and on that basis deny them.

104. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 104 of the Complaint and on that basis deny them.

105. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 105 of the Complaint and on that basis deny them.

106. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 106 of the Complaint and on that basis deny them.

107. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 107 of the Complaint and on that basis deny them.

108. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 108 of the Complaint and on that basis deny them.

109. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 109 of the Complaint and on that basis deny them.

110. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 110 of the Complaint and on that basis deny them.

111. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 111 of the Complaint and on that basis deny them.

112. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 112 of the Complaint and on that basis deny them.

113. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 113 of the Complaint and on that

basis deny them.

114. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 114 of the Complaint and on that basis deny them.

115. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 115 of the Complaint and on that basis deny them.

116. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 116 of the Complaint and on that basis deny them.

117. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 117 of the Complaint and on that basis deny them.

118. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 118 of the Complaint and on that basis deny them.

119. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 119 of the Complaint and on that basis deny them.

120. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 120 of the Complaint and on that basis deny them.

121. The ShotSpotter Defendants lack knowledge or information sufficient to form a



belief as to the truth of the allegations contained in Paragraph 121 of the Complaint and on that basis deny them.

122. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 122 of the Complaint and on that basis deny them.

123. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 123 of the Complaint and on that basis deny them.

124. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 124 of the Complaint and on that basis deny them.

125. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 125 of the Complaint and on that basis deny them.

126. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 126 of the Complaint and on that basis deny them.

127. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 127 of the Complaint and on that basis deny them.

128. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 128 of the Complaint and on that basis deny them.

129. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 129 of the Complaint and on that basis deny them.

130. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 130 of the Complaint and on that basis deny them.

131. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 131 of the Complaint and on that basis deny them.

132. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 132 of the Complaint and on that basis deny them.

133. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 133 of the Complaint and on that basis deny them.

134. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 134 of the Complaint and on that basis deny them.

135. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 135 of the Complaint and on that basis deny them.

136. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 136 of the Complaint and on that

basis deny them.

137. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 137 of the Complaint and on that basis deny them.

**The Mystery Sturm Ruger P85 9 mm Handgun is Discovered**

138. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 138 of the Complaint and on that basis deny them.

139. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 139 of the Complaint and on that basis deny them.

140. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 140 of the Complaint and on that basis deny them.

141. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 141 of the Complaint and on that basis deny them.

142. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 142 of the Complaint and on that basis deny them.

143. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 143 of the Complaint and on that basis deny them.

144. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 144 of the Complaint and on that basis deny them.

145. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 145 of the Complaint and on that basis deny them.

146. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 146 of the Complaint and on that basis deny them.

147. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 147 of the Complaint and on that basis deny them.

148. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 148 of the Complaint and on that basis deny them.

149. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 149 of the Complaint and on that basis deny them.

150. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 150 of the Complaint and on that basis deny them.

151. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 151 of the Complaint and on that

basis deny them.

152. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 152 of the Complaint and on that basis deny them.

153. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 153 of the Complaint and on that basis deny them.

154. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 154 of the Complaint and on that basis deny them.

155. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 155 of the Complaint and on that basis deny them.

156. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 156 of the Complaint and on that basis deny them.

157. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 157 of the Complaint and on that basis deny them.

158. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 158 of the Complaint and on that basis deny them.

159. The ShotSpotter Defendants lack knowledge or information sufficient to form a

belief as to the truth of the allegations contained in Paragraph 159 of the Complaint and on that basis deny them.

160. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 160 of the Complaint and on that basis deny them.

161. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 161 of the Complaint and on that basis deny them.

162. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 162 of the Complaint and on that basis deny them.

**Plaintiff is Admitted to Strong Memorial Hospital**

163. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 163 of the Complaint and on that basis deny them.

164. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 164 of the Complaint and on that basis deny them.

165. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 165 of the Complaint and on that basis deny them.

166. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 166 of the Complaint and on that

basis deny them.

167. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 167 of the Complaint and on that basis deny them.

168. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 168 of the Complaint and on that basis deny them.

169. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 169 of the Complaint and on that basis deny them.

170. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 170 of the Complaint and on that basis deny them.

171. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 171 of the Complaint and on that basis deny them.

172. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 172 of the Complaint and on that basis deny them.

173. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 173 of the Complaint and on that basis deny them.

174. The ShotSpotter Defendants lack knowledge or information sufficient to form a

belief as to the truth of the allegations contained in Paragraph 174 of the Complaint and on that basis deny them.

175. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 175 of the Complaint and on that basis deny them.

176. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 176 of the Complaint and on that basis deny them.

177. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 177 of the Complaint and on that basis deny them.

**Evidence Analyzed by the Monroe County Crime Lab**

178. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 178 of the Complaint and on that basis deny them.

179. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 179 of the Complaint and on that basis deny them.

180. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 180 of the Complaint and on that basis deny them.

181. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 181 of the Complaint and on that



basis deny them.

182. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 182 of the Complaint and on that basis deny them.

183. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 183 of the Complaint and on that basis deny them.

184. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 184 of the Complaint and on that basis deny them.

185. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 185 of the Complaint and on that basis deny them.

186. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 186 of the Complaint and on that basis deny them.

187. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 187 of the Complaint and on that basis deny them.

188. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 188 of the Complaint and on that basis deny them.

189. The ShotSpotter Defendants lack knowledge or information sufficient to form a

belief as to the truth of the allegations contained in Paragraph 189 of the Complaint and on that basis deny them.

190. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 190 of the Complaint and on that basis deny them.

191. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 191 of the Complaint and on that basis deny them.

192. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 192 of the Complaint and on that basis deny them.

193. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 193 of the Complaint and on that basis deny them.

194. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 194 of the Complaint and on that basis deny them.

195. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 195 of the Complaint and on that basis deny them.

#### **ShotSpotter Audio/Report Evidence**

196. The ShotSpotter Defendants admit the allegations contained in Paragraph 196 of the Complaint.

197. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 197 of the Complaint and on that basis deny them.

198. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 198 of the Complaint and on that basis deny them.

199. The ShotSpotter Defendants admit the allegations contained in Paragraph 199 of the Complaint.

200. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 200 of the Complaint, but refer to the content of the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 200 of the Complaint and on that basis deny them.

201. The ShotSpotter Defendants admit the allegations contained in Paragraph 201 of the Complaint.

202. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 202 of the Complaint, but refer to the content of the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 202 of the Complaint and on that basis deny them.

203. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 203 of the Complaint, but refer to the content of the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or

information sufficient to form a belief as to the truth of the allegations contained in Paragraph 203 of the Complaint and on that basis deny them.

204. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 204 of the Complaint, but refer to the content of the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 204 of the Complaint and on that basis deny them.

205. The ShotSpotter Defendants admit the allegations contained in Paragraph 205 of the Complaint.

206. The ShotSpotter Defendants deny the allegations contained in Paragraph 206 of the Complaint.

207. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 207 of the Complaint, but refer to the content of the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 207 of the Complaint and on that basis deny them.

208. The ShotSpotter Defendants deny the allegations contained in Paragraph 208 of the Complaint.

209. The ShotSpotter Defendants deny the allegations contained in Paragraph 209 of the Complaint.

210. The ShotSpotter Defendants deny the allegations contained in Paragraph 210 of the Complaint.

211. The ShotSpotter Defendants neither admit nor deny the allegations contained in

Paragraph 211 of the Complaint, but refer to the content of the alleged testimony and alleged order, which speak for themselves. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 211 of the Complaint and on that basis deny them.

212. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 212 of the Complaint, but refer to the content of the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 212 of the Complaint and on that basis deny them.

213. The ShotSpotter Defendants deny the allegations contained in Paragraph 213 of the Complaint.

214. The ShotSpotter Defendants deny the allegations contained in Paragraph 214 of the Complaint.

215. The ShotSpotter Defendants deny the allegations contained in Paragraph 215 of the Complaint.

216. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 216 of the Complaint, but refer to the content of the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 216 of the Complaint and on that basis deny them.

217. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 217 of the Complaint, but refer to the content of the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or

information sufficient to form a belief as to the truth of the allegations contained in Paragraph 217 of the Complaint and on that basis deny them.

218. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 218 of the Complaint, but refer to the content of the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 218 of the Complaint and on that basis deny them.

219. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 219 of the Complaint, but refer to the content of the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 219 of the Complaint and on that basis deny them.

220. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 220 of the Complaint, but refer to the content of the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 220 of the Complaint and on that basis deny them.

221. The ShotSpotter Defendants admit the allegations contained in Paragraph 221 of the Complaint.

222. The ShotSpotter Defendants deny the allegations contained in Paragraph 222 of the Complaint.

223. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 223 of the Complaint, but refer to the content of the alleged testimony, which speaks

for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 223 of the Complaint and on that basis deny them.

224. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 224 of the Complaint, but refer to the content of the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 224 of the Complaint and on that basis deny them.

225. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 225 of the Complaint and on that basis deny them.

226. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 226 of the Complaint and on that basis deny them.

227. The ShotSpotter Defendants admit that there is a Detailed Forensic Report dated April 7, 2016. Except as expressly admitted, the ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 227 of the Complaint, but refer to the alleged Forensic Report which speaks for itself. To the extent a response is required, ShotSpotter Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 227 of the Complaint and on that basis deny them.

228. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 228 of the Complaint, but refer to the alleged Forensic Report which speaks for itself. To the extent a response is required, ShotSpotter Defendants deny knowledge or information

sufficient to form a belief as to the truth of the allegations contained in Paragraph 228 of the Complaint and on that basis deny them.

229. The ShotSpotter Defendants were made aware that the April 1, 2016 incident was an officer involved shooting as a result of being alerted by the Rochester Police Department. Other than as specifically admitted, the ShotSpotter Defendants deny the allegations in Paragraph 229 of the Complaint.

230. The ShotSpotter Defendants deny the allegations contained in Paragraph 230 of the Complaint.

231. The ShotSpotter Defendants deny the allegations contained in Paragraph 231 of the Complaint.

232. The ShotSpotter Defendants admit the allegations contained in Paragraph 232 of the Complaint.

233. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 233 of the Complaint, but refer to the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 233 of the Complaint and on that basis deny them.

234. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 234 of the Complaint, but refer to the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 234 of the Complaint and on that basis deny them.

235. The ShotSpotter Defendants neither admit nor deny the allegations contained in



Paragraph 235 of the Complaint, but refer to the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 235 of the Complaint and on that basis deny them.

236. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 236 of the Complaint, but refer to the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 236 of the Complaint and on that basis deny them.

237. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 237 of the Complaint, but refer to the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 237 of the Complaint and on that basis deny them.

238. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 238 of the Complaint, but refer to the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 238 of the Complaint and on that basis deny them.

239. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 239 of the Complaint, but refer to the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 239 of the

Complaint and on that basis deny them.

240. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 240 of the Complaint, but refer to the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 240 of the Complaint and on that basis deny them.

241. The ShotSpotter Defendants admit that there is a Detailed Forensic Report dated April 7, 2016. Except as expressly admitted, the ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 241 of the Complaint, but refer to the alleged Forensic Report, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 241 of the Complaint and on that basis deny them.

242. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 242 of the Complaint, but refer to the alleged Forensic Report, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 242 of the Complaint and on that basis deny them.

243. The ShotSpotter Defendants admit the allegations contained in Paragraph 243 of the Complaint.

244. The ShotSpotter Defendants admit that Paul C. Greene signed the ShotSpotter Detailed Forensic Report and was called by the prosecution to testify at Plaintiff's criminal trial. Except as specifically admitted, the ShotSpotter Defendants deny the allegations contained in Paragraph 244 of the Complaint,.

245. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 245 of the Complaint, but refer to the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 245 of the Complaint and on that basis deny them.

246. The ShotSpotter Defendants deny the allegations contained in Paragraph 246 of the Complaint.

247. The ShotSpotter Defendants neither admit nor deny the allegations contained in Paragraph 247 of the Complaint, but refer to the alleged testimony, which speaks for itself. To the extent a response is required, the ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 247 of the Complaint and on that basis deny them.

248. The ShotSpotter Defendants deny the allegations contained in Paragraph 248 of the Complaint.

249. The ShotSpotter Defendants deny the allegations contained in Paragraph 249 of the Complaint.

#### **Outcome of Plaintiff's Criminal Trial**

250. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 250 of the Complaint and on that basis deny them.

251. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 251 of the Complaint and on that basis deny them.

252. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 252 of the Complaint and on that basis deny them.

253. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 253 of the Complaint and on that basis deny them.

254. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 254 of the Complaint and on that basis deny them.

255. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 255 of the Complaint and on that basis deny them.

256. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 256 of the Complaint and on that basis deny them.

257. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 257 of the Complaint and on that basis deny them.

258. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 258 of the Complaint and on that basis deny them.

259. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 259 of the Complaint and on that

basis deny them.

260. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 260 of the Complaint and on that basis deny them.

**Plaintiff's Injuries and Damages**

261. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 261 of the Complaint and on that basis deny them.

262. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 262 of the Complaint and on that basis deny them.

263. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 263 of the Complaint and on that basis deny them.

264. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 264 of the Complaint and on that basis deny them.

265. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 265 of the Complaint and on that basis deny them.

266. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 266 of the Complaint and on that basis deny them.

267. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 267 of the Complaint and on that basis deny them.

268. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 268 of the Complaint and on that basis deny them.

269. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 269 of the Complaint and on that basis deny them.

270. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 270 of the Complaint and on that basis deny them.

271. The ShotSpotter Defendants deny the allegations contained in Paragraph 271 of the Complaint.

272. The ShotSpotter Defendants deny the allegations contained in Paragraph 272 of the Complaint.

273. The ShotSpotter Defendants deny the allegations contained in Paragraph 273 of the Complaint.

### **CAUSES OF ACTION**

#### **COUNTY I**

#### **VIOLATION OF 42 U.S.C. SECTION 1983 BY DEFENDANTS JOSEPH M. FERRIGNO, II AND SAMUEL GIANCURSIO FOR FALSE ARREST**

274. The ShotSpotter Defendants repeat and reallege their responses to those paragraphs repeated and realleged in Paragraph 274 of the Complaint.

275. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 275 of the Complaint and on that basis deny them.

276. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 276 of the Complaint and on that basis deny them.

277. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 277 of the Complaint and on that basis deny them.

278. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 278 of the Complaint and on that basis deny them.

279. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 279 of the Complaint and on that basis deny them.

280. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 280 of the Complaint and on that basis deny them.

281. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 281 of the Complaint and on that basis deny them.

282. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 282 of the Complaint and on that

basis deny them.

283. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 283 of the Complaint and on that basis deny them.

284. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 284 of the Complaint and on that basis deny them.

285. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 285 of the Complaint and on that basis deny them.

286. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 286 of the Complaint and on that basis deny them.

## **COUNT II**

### **VIOLATION OF 42 U.S.C. SECTION 1983 BY JOSEPH M. FERRIGNO, II AND SAMUEL GIANCURSIO FOR USE OF EXCESSIVE AND/OR DEADLY FORCE AGAINST PLAINTIFF**

287. The ShotSpotter Defendants repeat and reallege their responses to those paragraphs repeated and realleged in Paragraph 287 of the Complaint.

288. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 288 of the Complaint and on that basis deny them.

289. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 289 of the Complaint and on that



basis deny them.

290. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 290 of the Complaint and on that basis deny them.

291. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 291 of the Complaint and on that basis deny them.

292. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 292 of the Complaint and on that basis deny them.

293. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 293 of the Complaint and on that basis deny them.

294. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 294 of the Complaint and on that basis deny them.

295. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 295 of the Complaint and on that basis deny them.

296. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 296 of the Complaint and on that basis deny them.

297. The ShotSpotter Defendants lack knowledge or information sufficient to form a

belief as to the truth of the allegations contained in Paragraph 297 of the Complaint and on that basis deny them.

298. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 298 of the Complaint and on that basis deny them.

### **COUNT III**

#### **VIOLATION OF 42 U.S.C. 1983 BY ALL DEFENDANTS FOR CONSPIRACY TO VIOLATE PLAINTIFF'S CIVIL RIGHTS**

299. The ShotSpotter Defendants repeat and reallege their respective responses to those paragraphs repeated and realleged in Paragraph 299 of the Complaint.

300. The ShotSpotter Defendants deny the allegations contained in Paragraph 300 of the Complaint.

301. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 301 of the Complaint and on that basis deny them.

302. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 302 of the Complaint and on that basis deny them.

303. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 303 of the Complaint and on that basis deny them.

304. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 304 of the Complaint and on that basis deny them.

305. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 305 of the Complaint and on that basis deny them.

306. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 306 of the Complaint and on that basis deny them.

307. The ShotSpotter Defendants deny the allegations contained in Paragraph 307 of the Complaint.

308. The ShotSpotter Defendants deny the allegations contained in Paragraph 308 of the Complaint.

309. The ShotSpotter Defendants deny the allegations contained in Paragraph 309 of the Complaint.

310. The ShotSpotter Defendants deny the allegations contained in Paragraph 310 of the Complaint.

311. The ShotSpotter Defendants deny the allegations contained in Paragraph 311 of the Complaint.

312. The ShotSpotter Defendants deny the allegations contained in Paragraph 312 of the Complaint.

313. The ShotSpotter Defendants deny the allegations contained in Paragraph 313 of the Complaint.

#### **COUNT IV**

#### **VIOLATION OF 42 U.S.C. 1983 FOR MALICIOUS PROSECUTION AGAINST ALL DEFENDANTS**

314. The ShotSpotter Defendants repeat and reallege their respective responses to

those paragraphs repeated and realleged in Paragraph 314 of the Complaint.

315. The allegations contained in Paragraph 315 are legal conclusions to which no response is required. To the extent a response is required, ShotSpotter Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 315 of the Complaint and on that basis deny them.

316. The ShotSpotter Defendants deny the allegations contained in Paragraph 316 of the Complaint.

317. The ShotSpotter Defendants deny the allegations contained in Paragraph 317 of the Complaint.

318. The ShotSpotter Defendants deny the allegations contained in Paragraph 318 of the Complaint.

319. The ShotSpotter Defendants deny the allegations contained in Paragraph 319 of the Complaint.

320. The ShotSpotter Defendants deny the allegations contained in Paragraph 320 of the Complaint.

321. The ShotSpotter Defendants deny the allegations contained in Paragraph 321 of the Complaint.

322. The ShotSpotter Defendants deny the allegations contained in Paragraph 322 of the Complaint.

323. The ShotSpotter Defendants deny the allegations contained in Paragraph 323 of the Complaint.

324. The ShotSpotter Defendants deny the allegations contained in Paragraph 324 of the Complaint.

325. The ShotSpotter Defendants deny the allegations contained in Paragraph 325 of the Complaint.

326. The ShotSpotter Defendants deny the allegations contained in Paragraph 326 of the Complaint.

327. The ShotSpotter Defendants deny the allegations contained in Paragraph 327 of the Complaint.

328. The ShotSpotter Defendants deny the allegations contained in Paragraph 328 of the Complaint.

329. The ShotSpotter Defendants deny the allegations contained in Paragraph 329 of the Complaint.

330. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 330 of the Complaint and on that basis deny them.

331. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 331 of the Complaint and on that basis deny them.

332. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 332 of the Complaint and on that basis deny them.

333. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 333 of the Complaint and on that basis deny them.

334. The ShotSpotter Defendants lack knowledge or information sufficient to form a

belief as to the truth of the allegations contained in Paragraph 334 of the Complaint and on that basis deny them.

335. The ShotSpotter Defendants deny the allegations contained in Paragraph 335 of the Complaint .

336. The ShotSpotter Defendants deny the allegations contained in Paragraph 336 of the Complaint.

337. The ShotSpotter Defendants deny the allegations contained in Paragraph 337 of the Complaint.

338. The ShotSpotter Defendants deny the allegations contained in Paragraph 338 of the Complaint.

#### **COUNT V**

#### **VIOLATION OF 42 U.S.C. 1983 FOR DENIAL OF THE RIGHT TO A FAIR TRIAL AGAINST ALL DEFENDANTS**

339. The ShotSpotter Defendants repeat and reallege their respective responses to those paragraphs repeated and realleged in Paragraph 339 of the Complaint.

340. The ShotSpotter Defendants deny the allegations contained in Paragraph 340 of the Complaint.

341. The ShotSpotter Defendants deny the allegations contained in Paragraph 341 of the Complaint.

342. The ShotSpotter Defendants deny the allegations contained in Paragraph 342 of the Complaint.

343. The ShotSpotter Defendants deny the allegations contained in Paragraph 343 of the Complaint.

344. The ShotSpotter Defendants deny the allegations contained in Paragraph 344 of

the Complaint.

## **COUNT VI**

### **VIOLATION OF 42 U.S.C. 1983 BY ALL DEFENDANTS FOR MALICIOUS ABUSE OF PROCESS**

345. The ShotSpotter Defendants repeat and reallege their respective responses to those paragraphs repeated and realleged in Paragraph 345 of the Complaint.

346. The ShotSpotter Defendants deny the allegations contained in Paragraph 346 of the Complaint.

347. The ShotSpotter Defendants deny the allegations contained in Paragraph 347 of the Complaint.

348. The ShotSpotter Defendants deny the allegations contained in Paragraph 348 of the Complaint.

349. The ShotSpotter Defendants deny the allegations contained in Paragraph 349 of the Complaint.

350. The ShotSpotter Defendants deny the allegations contained in Paragraph 350 of the Complaint.

351. The ShotSpotter Defendants deny the allegations contained in Paragraph 351 of the Complaint.

## **COUNT VII**

### **VIOLATION OF 42 U.S.C. 1983 BY DEFENDANTS FERRIGNO, GIANCURSIO, WIATER, MUSCATO, CIMINELLI AND JOHN DOES 1-20 FOR FAILURE TO INTERVENE TO PROTECT PLAINTIFF'S CONSTITUTIONAL RIGHTS (*Anderson v.***

***Branen, 17 F3d 552 (2nd Cir. 1994)***

352. The ShotSpotter Defendants repeat and reallege their respective responses to those paragraphs repeated and realleged in Paragraph 352 of the Complaint.

353. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 353 of the Complaint and on that basis deny them.

354. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 354 of the Complaint and on that basis deny them.

355. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 355 of the Complaint and on that basis deny them.

356. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 356 of the Complaint and on that basis deny them.

357. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 357 of the Complaint and on that basis deny them.

358. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 358 of the Complaint and on that basis deny them.

359. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 359 of the Complaint and on that



basis deny them.

360. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 336003 of the Complaint and on that basis deny them.

361. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 361 of the Complaint and on that basis deny them.

362. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 362 of the Complaint and on that basis deny them.

### **COUNT VIII**

#### **VIOLATION OF 42 U.S.C. SECTION 1983 BY DEFENDANT CITY OF ROCHESTER (FAILURE TO IMPLEMENT POLICIES, CUSTOMS AND PRACTICES)**

363. The ShotSpotter Defendants repeat and reallege their respective responses to those paragraphs repeated and realleged in Paragraph 363 of the Complaint.

364. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 364, 364a, 364b, 364c, 364d, 364e, 364f, 364g, 364h, 364i, and 364j of the Complaint and on that basis deny them.

365. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 365 of the Complaint and on that basis deny them.

366. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 366 of the Complaint and on that basis deny them.

367. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 367 of the Complaint and on that basis deny them.

368. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 368 of the Complaint and on that basis deny them.

369. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 369 of the Complaint and on that basis deny them.

370. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 370 of the Complaint and on that basis deny them.

371. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 371 of the Complaint and on that basis deny them.

## **COUNT IX**

### **VIOLATION OF 42 U.S.C. SECTION 1983 BY DEFENDANTS CITY OF ROCHESTER AND MICHAEL L. CIMINELLI (Supervisory Liability / *Monell v. Dept. of Social Services*, 436 U.S. 658 (1978))**

372. The Shotspotter and reallege their respective responses to those paragraphs repeated and realleged in Paragraph 372 of the Complaint.

373. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 373 of the Complaint and on that basis deny them.

374. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 374, 374A, 374B, 374C, 374D, 374E, 374F, 374G, 374H, 374I, 374J, 374K and 374L of the Complaint and on that basis deny them.

375. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 375 of the Complaint and on that basis deny them.

376. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 376 of the Complaint and on that basis deny them.

377. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 377 of the Complaint and on that basis deny them.

378. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 378 of the Complaint and on that basis deny them.

379. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 379 of the Complaint and on that basis deny them.

380. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 380 of the Complaint and on that basis deny them.

381. The ShotSpotter Defendants lack knowledge or information sufficient to form a

belief as to the truth of the allegations contained in Paragraph 381 of the Complaint and on that basis deny them.

382. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 382 of the Complaint and on that basis deny them.

383. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 383 of the Complaint and on that basis deny them.

384. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 384 of the Complaint and on that basis deny them.

385. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 385 of the Complaint and on that basis deny them.

386. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 386 of the Complaint and on that basis deny them.

387. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 387 of the Complaint and on that basis deny them.

388. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 388 of the Complaint and on that basis deny them.

389. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 389 of the Complaint and on that basis deny them.

390. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 390 of the Complaint and on that basis deny them.

391. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 391 of the Complaint and on that basis deny them.

392. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 392 of the Complaint and on that basis deny them.

393. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in 393 371 of the Complaint and on that basis deny them.

394. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 394 of the Complaint and on that basis deny them.

395. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 395 of the Complaint and on that basis deny them.

396. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 396 of the Complaint and on that

basis deny them.

397. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 397 of the Complaint and on that basis deny them.

398. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 398 of the Complaint and on that basis deny them.

399. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 399 of the Complaint and on that basis deny them.

400. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 400 of the Complaint and on that basis deny them.

401. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 401 of the Complaint and on that basis deny them.

402. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 402 of the Complaint and on that basis deny them.

403. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 403 of the Complaint and on that basis deny them.

404. The ShotSpotter Defendants lack knowledge or information sufficient to form a

belief as to the truth of the allegations contained in Paragraph 404 of the Complaint and on that basis deny them.

405. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 405 of the Complaint and on that basis deny them.

406. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 406 of the Complaint and on that basis deny them.

407. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 407 of the Complaint and on that basis deny them.

408. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 408 of the Complaint and on that basis deny them.

409. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 409 of the Complaint and on that basis deny them.

410. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 410 of the Complaint and on that basis deny them.

411. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 411 of the Complaint and on that basis deny them.

**COUNT X**

**BATTERY BY DEFENDANTS FERRIGNO, GIANCURSIO AND CITY OF  
ROCHESTER (NY LAW)**

412. The ShotSpotter Defendants repeat and reallege their respective responses to those paragraphs repeated and realleged in Paragraph 412 of the Complaint.

413. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 413 of the Complaint and on that basis deny them.

414. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 414 of the Complaint and on that basis deny them.

415. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 415 of the Complaint and on that basis deny them.

416. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 416 of the Complaint and on that basis deny them.

417. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 417 of the Complaint and on that basis deny them.

418. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 418 of the Complaint and on that basis deny them.

419. The ShotSpotter Defendants lack knowledge or information sufficient to form a



belief as to the truth of the allegations contained in Paragraph 419 of the Complaint and on that basis deny them.

## **COUNT XI**

### **ASSAULT BY DEFENDANTS FERRIGNO, GIANCURSIO AND CITY OF ROCHESTER (NY LAW)**

420. The ShotSpotter Defendants repeat and reallege their respective responses to those paragraphs repeated and realleged in Paragraph 420 of the Complaint.

421. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 421 of the Complaint and on that basis deny them.

422. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 422 of the Complaint and on that basis deny them.

423. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 423 of the Complaint and on that basis deny them.

424. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 424 of the Complaint and on that basis deny them.

425. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 425 of the Complaint and on that basis deny them.

426. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 426 of the Complaint and on that basis deny them.

427. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 421 of the Complaint and on that basis deny them.

428. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 427 of the Complaint and on that basis deny them.

## **COUNT XII**

### **MALICIOUS PROSECUTION BY ALL DEFENDANTS (NY LAW)**

429. The ShotSpotter Defendants repeat and reallege their respective responses to those paragraphs repeated and realleged in Paragraph 429 of the Complaint.

430. The ShotSpotter Defendants deny the allegations contained in Paragraph 430 of the Complaint.

431. The allegations contained in Paragraph 431 are legal conclusions to which no response is required. To the extent a response is required, The ShotSpotter Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 431 of the Complaint and on that basis deny them.

432. The ShotSpotter Defendants deny the allegations contained in Paragraph 432 of the Complaint.

433. The ShotSpotter Defendants deny the allegations contained in Paragraph 433 of the Complaint.

434. The ShotSpotter Defendants deny the allegations contained in Paragraph 434 of the Complaint.

435. The ShotSpotter Defendants deny the allegations contained in Paragraph 435 of the Complaint.

436. The ShotSpotter Defendants deny the allegations contained in Paragraph 436 of the Complaint.

437. The ShotSpotter Defendants deny the allegations contained in Paragraph 437 of the Complaint.

438. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 438 of the Complaint and on that basis deny them.

439. The ShotSpotter Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 439 of the Complaint and on that basis deny them.

440. The ShotSpotter Defendants deny the allegations contained in Paragraph 440 of the Complaint.

441. The ShotSpotter Defendants deny each and every other allegation contained in said Complaint not herein before admitted, denied, or otherwise controverted.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE**

442. Upon information and belief, that culpable conduct on the part of Plaintiff caused or contributed to the happening of the alleged damages.

443. That Plaintiff should be barred from recovery by reason of the fact that the subject

damages were entirely the result of culpable conduct on the part of Plaintiff, or in the event that Plaintiff is entitled to recover, the amount of damages otherwise recoverable should be diminished in the proportion which the culpable conduct attributable to plaintiff bears to the culpable conduct which caused the damages.

#### **SECOND AFFIRMATIVE DEFENSE**

444. Upon information and belief, Plaintiff failed to mitigate or otherwise act to lessen or reduce the injury and damage, if any, allegedly resulting from the occurrences alleged in the Amended Complaint.

#### **THIRD AFFIRMATIVE DEFENSE**

445. Upon information and belief, whatever damages and injuries, if any, which were sustained by Plaintiff were proximately caused by superseding and/or intervening causes and not by any action or omission of the ShotSpotter Defendants.

#### **FOURTH AFFIRMATIVE DEFENSE**

446. The ShotSpotter Defendants have governmental/qualified immunity from liability for damages arising out of their participation in Plaintiff's trial as alleged in the Amended Complaint.

#### **FIFTH AFFIRMATIVE DEFENSE**

447. Plaintiff has failed to exhaust his administrative remedies as required by 42 U.S.C. §1997e(a).

#### **SIXTH AFFIRMATIVE DEFENSE**

448. Plaintiff is not entitled to an award of punitive damages against the ShotSpotter Defendants.

#### **SEVENTH AFFIRMATIVE DEFENSE**

449. To the extent Plaintiff alleges State law causes of action, they are barred, or time-barred, due to Plaintiff's failure to comply with New York General Municipal Law §§ 50-e, 50-h and 50-i.

### **EIGHTH AFFIRMATIVE DEFENSE**

450. The ShotSpotter Defendants are entitled to qualified or absolute immunity for any alleged services and testimony as a witness at Plaintiff's criminal trial as alleged in the Amended Complaint.

**WHEREFORE,** The ShotSpotter Defendants demand a Judgment of this Court in their favor against Plaintiff for:

- A. Dismissing the Amended Complaint in its entirety, on the merits and with prejudice;
- B. A trial by jury; and
- C. Granting such other and further relief as the Court deems just and proper.

**DATED:** November 19, 2018

**BARCLAY DAMON LLP**

By: /s/ Paul A. Sanders  
Paul A. Sanders, Esq.

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